

Honorable John C. Coughenour

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ALEXANDER K. FINLAN, an individual,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

Case No.: 2:20-cv-00005-JCC

JOINT STATUS REPORT AND
DISCOVERY PLAN

Pursuant to Fed. R. Civ. P. 26(f) and the Court's Order Regarding Initial Disclosures, Joint Status Report, and Early Settlement (*Dkt. 17*), the Parties, through their respective counsel, submit the following Joint Status Report. The parties have conferred regarding the issues identified in the Court's Order, and advise the Court as follows.

1. NATURE AND COMPLEXITY OF CASE

Plaintiff, Alexander K. Finlan, was involved in a motor vehicle collision with a government vehicle operated by a United States Department of Agriculture (USDA)

1 employee, Herman Sedillo. Plaintiff asserts a cause of action in negligence against
2 Defendant.

3 **2. DEADLINE FOR JOINING PARTIES**

4 The parties do not anticipate joining additional parties at this time.

5 **3. CONSENT TO ASSIGNMENT TO MAGISTRATE JUDGE**

6 Pursuant to 28 U.S.C. § 636(c) and Local Rule MJR 13, the parties do not consent
7 to assignment to a magistrate judge.

8 **4. DISCOVERY PLAN (FRCP 26(f)(3))**

9 **a. Initial Disclosures:** The parties exchanged Initial Disclosures on or before
10 July 6, 2020, pursuant to the Court's Order (*Dkt. 17*).

11 **b. Subjects, Timing, and Potential Phasing of Discovery:**

12 A. The FRCP 26(f) conference occurred on June 29, 2020.

13 B. Discovery Scope. The parties believe that discovery in this action
14 should not be done in phases and should be limited to matters relevant to Plaintiff's
15 claims and Defendant's respective defenses.

16 C. Changes in Discovery Limitations. The parties do not see any
17 limitations beyond those set forth in the local rules.

18 D. Management of Discovery. Discovery should be managed
19 cooperatively to minimize expenses, whenever possible.

20 E. The parties do not request at this time that any other orders be
21 entered by the Court in this action under Federal Rule of Civil Procedure 26(c) or under

1 Local Rules 16(b) and (c). The parties reserve the right to request such orders as may
2 become appropriate or necessary.

3 **c. Electronically Stored Information:** The parties do not anticipate
4 discovery of electronically stored information. In the event the parties encounter
5 substantial ESI in this case, the parties will produce their respective discovery responses
6 in electronic form consistent with Federal Rule of Civil Procedure 34(b)(2)(E) and
7 pursuant to an ESI protocol based on a modification of the Western District of
8 Washington's Model Agreement that the parties will work cooperatively towards
9 preparing and filing with the Court.
10

11 **d. Privilege Issues:** The parties will confer and work together regarding any
12 issues relating to privilege.
13

14 **e. Proposed Limitations on Discovery:** The parties do not believe that
15 there should be any limitation to discovery. The parties anticipate that the relationship
16 between counsel will be cordial and information will be exchanged between the parties
17 without any need for involving the Court. However, one or more of the parties may ask
18 the Court to determine discovery issues should they arise.
19

20 **f. Need for Any Discovery Related Orders:** This case is not complex and
21 should not require extensive discovery.
22

23 **5. DISCOVERY PLAN (FRCP 26(f)(1))**

24 **a. Prompt Case Resolution:** The parties are agreeable to early mediation
25 and will work together to schedule mediation at a mutually agreeable time.
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1 **b. Alternative Dispute Resolution:** The parties are agreeable to early
2 mediation and will work together to schedule mediation at a mutually agreeable time.

3 **c. Related Cases:** The parties are not aware of any related cases.

4 **d. Discovery Management:** Discovery should be managed cooperatively to
5 minimize expenses, whenever possible.
6

7 **e. Anticipated Discovery Sought:** Deposition testimony of parties'
8 witnesses and experts along with all forms of written discovery.

9 **f. Phasing of Motions:** Plaintiff does not anticipate the filing of any
10 dispositive motions. Defendant requests that the deadline for filing dispositive motions
11 be set in accordance with FRCP 56, 30 days following the close of all discovery.
12

13 **g. Preservation of Discoverable Information:** Plaintiff requested
14 Defendant to preserve all information regarding this case.
15

16 **h. Privilege Issues:** The parties will confer and work together regarding
17 inadvertent disclosure of privileged information and will cooperate with each other if such
18 disclosure occurs.

19 **i. Model Protocol for Discovery of ESI:** Before production of any
20 electronically stored information (ESI), the parties agree to confer with each other
21 regarding the nature and type of ESI to be produced, including the form of production.
22 The parties agree to use the Western District of Washington's model order, with potential
23 agreed modifications, to govern the exchange of ESI.
24

25 **j. Alternatives to Model Protocol:** Plaintiff proposed during the Rule 26(f)
26 meet-and-confer process, that the parties produce their respective discovery responses
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1 in electronic form consistent with Federal Rule of Civil Procedure 34(b)(2)(E) and
2 pursuant to an ESI protocol based on a modification of the Western District of
3 Washington's Model Agreement that the parties will work cooperatively towards
4 preparing and filing with the Court.
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6 **k. Inadvertent Disclosure of Privileged Information:** The parties agree
7 that the inadvertent disclosure of privileged information is governed by Federal Rule of
8 Civil Procedure 26(b)(5)(B) and FRE 502.
9

10 **6. DEADLINE FOR DISCOVERY**

11 The parties believe that discovery can be completed within 120 days before trial.

12 **7. RESOLUTION AND BIFURCATION**

13 The parties intend to explore early resolution to the extent possible. Trial of this
14 matter need not be bifurcated in any manner.
15

16 **8. PRETRIAL STATEMENTS\PRETRIAL ORDER**

17 The parties should submit these documents in accordance with CR 16 and 16.1.

18 **9. SHORTENING\CASE SIMPLIFICATION**

19 The parties have no suggestions at this time that will serve to shorten or simplify
20 trial.
21

22 **10. TRIAL READINESS**

23 Plaintiff believes this case will be ready for trial by November 1, 2020. Defendant
24 requests a trial date in July 2021.
25

26 **11. NATURE OF TRIAL**

27 This case will be a non-jury trial.
28

12. **TRIAL DAYS REQUIRED**

Plaintiff requires two days for trial. Defendants require 4-5 days for trial.

13. **TRIAL COUNSEL**

Counsel for Plaintiff:

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Counsel for Defendants:

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14. **COUNSEL'S TRIAL AVAILABILITY**

Plaintiff's counsel currently has trials scheduled to begin as follows from November 2020 through July 2021: None.

Defendant's counsel currently has no trials scheduled to begin in the next year given the Court's General Order staying civil jury trials.

15. **PROCESS SERVICE ON DEFENDANTS**

Defendant has been served.

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17. **CORPORATE DISCLOSURE STATEMENT (FRCP \ LCR 7.1)**

Not applicable.

DATED this 9th day of July, 2020.

By /s/ Bradley E. Neunzig
Bradley E. Neunzig, WSBA #22365
Attorneys for Plaintiff

By /s/ Kristin Johnson
Kristin Johnson, WSBA #28189
Attorneys for Defendants